

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )  
)  
KENNITH SMITH )  
)  
Serial No. )  
)  
Filed: )  
)  
For: RUBBER BAND RETAINER ) Attorney Docket No. ALL.P.US0001A  
APPARATUS )  
)

REQUEST FOR FILING A CONTINUATION  
APPLICATION UNDER 37 C.F.R. § 1.53 (b)

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53 (b). The continuation application is being filed concurrently herewith.

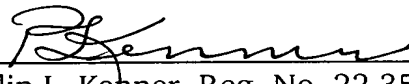
1. The continuation application gains priority under 35 U.S.C. § 120 from a co-pending application, U.S. Serial No. 09/943,533 filed on August 30, 2001. A Petition for Extension of Time Pursuant to 37 CFR § 1.136(a), attached hereto, is filed in the copending application to obtain time to file this continuation application.
2. The accompanying continuation application has not been amended to add new matter. The application, however, has been amended to disclose its status as a continuation application by inserting before the first line the sentence: This application is a continuation of U.S. Serial No. 09/943,533 filed on August 30, 2001. 37 C.F.R. § 1.78(a)(2). Typographical corrections may have been made to the specification and claims without adding new matter.

3. The entire disclosure of the prior co-pending application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference in the subject continuation case.
4. Two (2) sheets of drawings are enclosed.
5. This continuation application names as inventors the same or fewer than all of the inventors named in the prior co-pending application.
6. An assignment is of record in the prior application, and a copy is submitted herewith.
7. A combined executed oath or declaration Power of Attorney is of record in the prior application, and a copy is submitted herewith.
8. Please address all future correspondence to:  
  
Phillip L. Kenner  
RENNER, KENNER, GRIEVE, BOBAK,  
TAYLOR & WEBER  
First National Tower, Fourth Floor  
Akron, OH 44308-1456
9. The filing fee for this continuation application has been calculated after entry of the Preliminary Amendment as shown below:

Small Entity					Other Than A Small Entity		
For:	No. Filed	No. Extra	Rate	Fee	Or	Rate	Fee
Basic Fee				\$385.00			\$ 770.00
Total Claims	19-20	0	x9	\$		x18	\$ .00
Indep Claims	3-3	0	x43	\$		x86	\$ .00
___ Multiple Dep. Claim Presented			+145	\$		290	\$
				Total	\$	Total	\$770.00

10. A check in the amount of \$770.00 to cover this filing fee is enclosed.
11. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0987.
12. The Commissioner is hereby authorized to treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. § 1.136 for its timely submission, as incorporating a Petition for Extension of Time for the appropriate length of time. 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

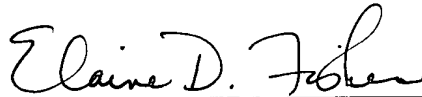


Phillip L. Kenner, Reg. No. 22,353  
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(330) 376-1242  
Attorneys for Applicant

Date: December 31, 2003

**CERTIFICATE OF EXPRESS MAILING**

I HEREBY CERTIFY that the following documents were deposited with the United States Postal Service, Express Mail Post Office to Address Service, Express Mail Label No. EL726133989US, addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 31<sup>st</sup> day of December, 2003.



Elaine D. Fisher, Assistant to Phillip L. Kenner